



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS

Dennis Kennedy, Mayor
Larry Carr, Mayor Pro Tempore
Hedy L. Chang, Council Member
Greg Sellers, Council Member
Steve Tate, Council Member

REDEVELOPMENT AGENCY

Dennis Kennedy, Chair
Hedy L. Chang, Vice-Chair
Larry Carr, Agency Member
Greg Sellers, Agency Member
Steve Tate, Agency Member

WEDNESDAY, JULY 17, 2002

AGENDA

JOINT MEETING

CITY COUNCIL SPECIAL AND REGULAR MEETING

and

REDEVELOPMENT AGENCY SPECIAL MEETING

6:30 P.M.

*A Special Meeting Is Called at 6:30 P.M. for the Purpose of
Conducting Closed Sessions.*

Dennis Kennedy, Chairman/Mayor

CALL TO ORDER

(Mayor/Chairperson Kennedy)

ROLL CALL ATTENDANCE

(City Clerk Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk Torrez)

6:30 P.M.

City Council Action and Redevelopment Agency Action

OPPORTUNITY FOR PUBLIC COMMENT

CLOSED SESSION:

1.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant Exposure/Initiation of Litigation

Authority: Government Code Sections 54956.9(b) & (c)

Number of Potential Cases: 2

2.

CONFERENCE WITH LEGAL COUNSEL - POTENTIAL AND EXISTING LITIGATION:

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Legal Authority: Government Code 54956.8 & 54956.9(a) & (c) (1 potential case)

Real Property(ies) involved: APN 728-31-007 & 008; 25.50 acres located on the southwesterly side of
Cochrane Road (St. Louise Hospital property)

City Negotiators: Agency Members; Executive Director; Agency Counsel; F. Gale Conner,
special counsel; Rutan & Tucker, special counsel

Case Name: San Jose Christian College v. City of Morgan Hill

Case Numbers: Ninth Circuit Court of Appeal No. 02-15693

Closed Session Topic: Potential Existing Litigation/Real Estate Negotiations

RECONVENE

CLOSED SESSION ANNOUNCEMENT

7:00 P.M.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

CITY COUNCIL REPORT

Mayor Kennedy

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND PRESENT IT TO THE DEPUTY CITY CLERK.

(See notice attached to the end of this agenda.)

PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY COUNCIL/REDEVELOPMENT AGENCY.

City Council Action

CONSENT CALENDAR:

The Consent Calendar, Agenda Items #1 through #9, and Item #10, may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate

Page

Consent Calendar: 1 - 10 Minutes

- 1) **PRELIMINARY JUNE 2002 FINANCE & INVESTMENT REPORT** 1
Recommended Action(s): Accept and File Report.

- 2) **ACCEPTANCE OF SUBDIVISION IMPROVEMENTS FOR BUTTERFIELD BUSINESS CENTER, LLC** 29
Recommended Action(s):
 1. **Adopt** Resolution No. 5595, Accepting the Subdivision Improvements Commonly Known as Butterfield - South Bay Development Company; and
 2. **Direct** the City Clerk to File a Notice of Completion with the County Recorder's Office.

- 3) **EMERGENCY AUTHORIZATION FOR STORM DRAIN REPAIR/REPLACEMENT IN KEYSTONE AVENUE** 35
Recommended Action(s):
 1. **Adopt** Resolution No. 5596, Declaring the Need for This Emergency Expenditure; and
 2. **Approve** Expenditure of \$16,262 From the 2002-03 Public Works-Streets Division Operating Budget to Fund an Emergency Storm Drain System Repair/Replacement on Keystone Avenue.

- 4) **APPROVAL OF SUPPLEMENTAL IMPROVEMENT AGREEMENT MORGAN HILL DEVELOPERS LL-TRACT 9345 (EAST DUNNE AVENUE MEDIAN IMPROVEMENTS)** 41
Recommended Action(s):
 1. **Appropriate** \$92,830 From the Current Year Unappropriated Traffic Impact Fee Fund for this Reimbursement; and
 2. **Authorize** the City Manager to Sign a Supplemental Improvement Agreement for Construction of the East Dunne Avenue Median Improvements by Morgan Hill Developer, LLC - Trovare Subdivision.

5)	<u>AMEND PROFESSIONAL SERVICES CONTRACT FOR PRELIMINARY ARCHITECTURAL DESIGN OF THE COMMUNITY INDOOR RECREATION CENTER</u>	51
	<u>Recommended Action(s): Approve</u> the Scope of Work From Noll & Tam Architects for Additional Preliminary Architectural Design Services in an Amount Not to Exceed \$21,835 and Authorize the City Manager to Amend the Existing Professional Services Agreement.	
6)	<u>COMMUNITY AND CULTURAL CENTER PROJECT JUNE CONSTRUCTION PROGRESS REPORT</u>	57
	<u>Recommended Action(s): Information</u> only.	
7)	<u>DEVELOPMENT IMPACT FEE INFLATIONARY AUTOMATIC INCREASE</u>	65
	<u>Recommended Action(s): No Action</u> Recommended At This Time.	
8)	<u>APPROVAL OF RIGHT-OF-WAY PURCHASE AGREEMENTS FOR BUTTERFIELD EXTENSION, PHASE IV PROJECT (APN: 817-57-012)</u>	67
	<u>Recommended Action(s): Authorize</u> the City Manager to Execute Purchase Agreements With the Owners of APN 817-57-012 for Total Compensation of \$329,072 Plus Escrow and Closing Costs for the Acquisition of This Property.	
9)	<u>YEAR END REPORT ON 2001-2002 WORKPLAN</u>	71
	<u>Recommended Action(s): Accept</u> Report.	

Redevelopment Agency Action

Time Estimate	Page
Consent Calendar: 1 - 10 Minutes	

10)	<u>CONSULTANT AGREEMENT WITH BENCHMARK</u>	105
	<u>Recommended Action(s): Authorize</u> the Executive Director to Execute a Consultant Service Agreement with Benchmark, for FY 2002-2003 in an Amount Not to Exceed \$520,000, to Provide Project Management Services and Lead Testing for Housing Improvement Programs.	

City Council Action

PUBLIC HEARINGS:

	Time Estimate	Page
11)	5 Minutes	
	<u>ANNEXATION AND ZONING AMENDMENT APPLICATIONS, ANX-02-02 AND ZA-02-02: COCHRANE-BORELLO II</u>	113
	Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed. Council Discussion. Action- <u>Continue</u> to Special City Council Meeting of July 31, 2002.	
12)	5 Minutes	
	<u>APPEAL OF SUBDIVISION APPLICATION SD 01-04: McLAUGHLIN-JONES</u>	115
	Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed. Council Discussion. Action- <u>Continue</u> to City Council Meeting of August 21, 2002.	

13)	45 Minutes	<u>ADJUSTMENTS TO DEVELOPMENT IMPACT FEES</u>	117
		Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed. Council Discussion. Action- <u>Motion to Adopt</u> Resolution 5592; and Action- <u>Direct</u> Staff to Return to City Council Within One Year Concerning the Proposed Community & Recreation Centers Impact Fee and Library Impact Fee.	
14)	20 Minutes	<u>ADJUSTMENTS TO USER FEES, SERVICE CHARGES, AND MISCELLANEOUS UTILITIES FEES</u>	263
		Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed. Council Discussion. Action- <u>Motion to Adopt</u> Resolution 5591; and Action- <u>Direct</u> Staff to Return to City Council Within One Year Concerning Potential Further Adjustments to Planning, Building, and Engineering Fees.	
15)	30 Minutes	<u>CITY RECREATION FACILITY RESERVATION FEES</u>	327
		Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed. Council Discussion. Action- <u>Motion to Adopt</u> Resolution 5593, Establishing City Recreation Facility User Fees.	
16)	15 Minutes	<u>PUBLIC HEARING AND ADOPTION OF RESOLUTIONS CONFIRMING FISCAL YEAR 2002-03 ANNUAL ASSESSMENT FOR THE FOX HOLLOW-MURPHY SPRINGS ASSESSMENT DISTRICT</u>	343
		Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed. Council Discussion. Action- <u>Motion to Adopt</u> Resolution 5597, and Resolution 5598, (Excluding Conte Gardens and Sandalwood Subareas); and Action- <u>Motion to Adopt</u> Resolution 5599, and Resolution 5600, (Referring Only to the Conte Gardens Subarea); and Action- <u>Motion to Adopt</u> Resolution 5601, and Resolution 5602, (Referring Only to the Sandalwood Subarea).	

City Council Action

OTHER BUSINESS:

	Time Estimate		Page
17)	15 Minutes	<u>APPOINTMENT TO THE MEASURE P UPDATE COMMITTEE</u>	449
		<u>Recommended Action(s):</u> 1. <u>Accept</u> the Council Subcommittee Recommended Appointments to the Measure P Update Committee Per Exhibit "A", 2. <u>Appoint</u> Two Council Members to Serve as chair and Vice-chair to the Measure P Update Committee; and 3. <u>Provide</u> Any Additional Direction Regarding Proposed Amendments to the City's Residential Development Control System (Measure P).	

- 18) 10 Minutes **HAZARDOUS VEGETATION ABATEMENT** 465
 Recommended Action(s):a
 1. **Adopt** Resolution No. 5603, Declaring Weeds to Be a Nuisance, and
 2. **Adopt** Resolution No. 5604, Confirming the Santa Clara County Fire Marshal's
 Office Final Report on the 2002 Hazardous Vegetation Program (Brush and Weed
 Abatement).
- SECOND READING OF ORDINANCE:** Full Reading Waived By Majority Vote.
(Government Code Section 36934)
Action -- Adopt Ordinance by roll call vote.
- 19) 1 minute **ADOPT ORDINANCE NO. 1566. NEW SERIES** 471
 An Ordinance of the City Council of the City of Morgan Hill Approving an Amendment to
 Ordinance No. 1523, New Series, to Amend the Development Agreement to Incorporate a
 Six Month Exception to Loss of Building Allocation for Application MP 00-22: Cochran
 - Dividend (APNs 728-42-008, 017; and 728-43-021).
- 20) 1 minute **ADOPT ORDINANCE NO. 1567. NEW SERIES** 477
 An Ordinance of the City Council of the City of Morgan Hill Approving an Amendment to
 Ordinance No. 1530, New Series, Amending the Development Agreement for Application
 MP 99-26: Malaguerra-Ansuini/Mancias to Incorporate a Six Month Exception to Loss of
 Building Allocation and Revisions to Paragraph 14 (APN 728-35-016; 728-35-017).
- 21) 1 minute **ADOPT ORDINANCE NO. 1568. NEW SERIES** 483
 An Ordinance of the City Council of the City of Morgan Hill Approving an Amendment to
 Ordinance No. 1516, New Series, to Amend the Development Agreement Amendment to
 Incorporate a One Year Exception to Loss of Building Allocation for Application MP 00-01:
 Berkshire-Singh (APN 764-23-054).
- 22) 1 minute **ADOPT ORDINANCE NO. 1569. NEW SERIES** 489
 An Ordinance of the City Council of the City of Morgan Hill Amending Section
 3.50.050(1)(C) (Schedule of Fees and Service Charges) of Chapter 3.50 (Fee and Service
 Charge Revenue/cost Comparison System) of Title 3 (Revenue and Finance) of the
 Municipal Code of the City of Morgan Hill Regarding User Fees and Service Charges.
- 23) 1 minute **ADOPT ORDINANCE NO. 1570. NEW SERIES** 495
 An Ordinance of the City Council of the City of Morgan Hill Amending Sections
 3.56.010(1)(F), 3.56.010(1)(J), 3.56.010(1)(M), 3.56.050, and 3.56.160(1)(A) of Chapter
 3.56 (Development Impact Mitigation Fees) of Title 3 (Revenue and Finance) of the
 Municipal Code of the City of Morgan Hill Regarding Development Impact Mitigation Fees.
- 24) 1 minute **ADOPT ORDINANCE NO. 1571. NEW SERIES** 501
 An Ordinance of the City Council of the City of Morgan Hill Amending Chapter 3.54
 (Recreation Fees) of Title 3 (Revenue and Finance) of the Municipal Code of the City of
 Morgan Hill Regarding Fees for Recreation Services, Including Classes, Facilities and
 Administrative Processing Fees.

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT